GENERAL AND REVENUE SECRETARIAT.

1909/10

(Banking)

File No. 6—09

Serial Nos. 586.

Papers Filed.

Month February 1910.

SUBJECT.

Rejecting the petition of Devarappa Gowda of the Uddemar Family, praying for the remission of interest and certain other concessions

PREVIOUS REFERENCES.	LATER REFERENCES.
B. June 08 Sls 8, 9, 11/12/14/19/20 21/22/23 B. 3-09	
B March 09 Sls 12/13 B. 11-08	
" June 08 Sls 25 & 26 B. 3-09	

G.R.S. 11] 190 9. 10

GENERAL AND REVENUE SECRETARIAT

(Bank Kidy

NOTES.

File. No. 6

FILE HEADING.

Late Agrl Bank at Sakleshpur
(Petitions)

From

Dyavappa Gowda of the Udevar family

No. Dg Dated 8. 11. 09 Received 12-11 09

Diary No. 1912	Enclos. Nil Spare Copies.	Serial No. 5

BRIEF ABSTRACT OF LETTER.

Requests on behalf of himself & the other members of the Udevar family that the entire extent of the loan advanced by the above Bank on their joint estate may be remitted & that they be allowed to pay the balance of principal yet remaining unliquidated by instalments of 1000 Rs per annum for 10 years - the said instalments to be increased to 2000 Rs as circumstances permit thereafter.

NOTES AND ORDERS.

The petn is addressed to H. H the Maharaja & was sent here with Private Secy's memo. dd 1248 of 10. 11. 09. The petnr urges his -

NOTES—First sheet.

GPB—30,000—20-3-06.

Serial No.

In Lennan's case as a precedent in his favour. He alleges that 2000 Rs × more have been collected from them up-to date. This was effected chiefly by sale of portions of their estate. According to petn the original estimate of the estate was 15000 Rs/ when the bank was formed at Sathkeopur. Besides the common reasons of the coffee blight, depression in the coffee market × continuity rains. this estate had 5 fair family quarrels × consequent neglect. × also had supervision from the European agents (except in the instance of Mr Lake) appointed by Govt to account for its present decay. A goodly portion of the estate has been sold × the money credited towards the loan. The remaining lands as now divided amongst the 4 brothers comes to (it is alleged by petnrs) about 25 acres each of cultivated land each share × the rest is mere waste. The petnrs also complains of the Joint responsibility

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

of the brothers towards the loan which was granted on after deliberate consideration in the order restoring the estate for being properly managed by the owners. His plea that other debtors were relieved of their joint responsibility does not apply - it was as amongst other members of the Bank & not members of families

8 2 The loan advanced on the estate was Rs 72824 & the deficit from working expenses Rs 2560. a total 75384 Rs - deducting the 2000 Rs & odd up to now realised there yet remain to be collected 58000 Rs granting that the interest will be forgone by Govt. & if 753:2 a sum of Rs 1000 is collected towards this debt each year for the next ten years - there yet will be a loan of 48000 Rs remaining undischarged after the end of ten years -

Subd for orders -

Note—Contn. sheet.

Serial No.

3 The prayer of the petitioner is that the interest due on the loan borrowed by his family may be remitted and that a sum of only Rs 1000 may be received annually towards the repayment of the principal of the loan.

(namely those of Usman Khan & Ganesh Ram)

4 In two cases, the remission of interest has been ordered. But in those cases the consideration was shown either after the principal of the loan had been fully repaid or after there was a guarantee to pay up the instalments according to the terms of the bond executed by the members after the winding up of the Bank. In this case the prospects of the recovery of the whole amount borrowed by the Robson brothers are as remote as ever and in such cases there is no need to show any concession to the debtors by remitting the interest due by them. As stated by the memorialist himself he & the other members of the family are unable to repay the loan within the time allowed and there is nothing to be gained by the Govt by remitting the

† 34 years in the worst possible case

†

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

interest on the loan. Whatever becomes irrecoverable eventually has to be written off the accounts, whether the amount represents interest or even includes a share of the principal of the loan.

5 As for the prayer to be permitted to repay the loan in instalments of Rs 1000 per annum it is not clear from para 9 of the memorial if the annual payment of Rs 1000 is the contribution of one member or of the whole family. In any case the prayer can not be granted as the period for the settlement would be indefinitely prolonged while the policy of Govt is to close these accounts within as short a time as possible & without causing unnecessary loss either to debtors or Govt.

Please note of this Estate has been ordered to be disposed of by auction or allowed to be managed by the debtors on condition of paying up their dues according to the terms of their bond. The Collr. on the point and all connected

of the whole family

Note—Contn. sheet.

G.R. S. 12]
General and Revenue Secretariat.

B File No. 6 of 1909

Serial No.

Papers may be putup

mmh 24-11-9

6 With reference to the Asstt Surgs' query supra = whether management of the Wavar estates, after repeated sales of portions of the property towards payment of Govt dues in the shape of arrear dues instalments, assessment etc, has handed over to the brothers in number in acts 1908 — to be managed by themselves, under certain conditions — It may be noted that in order to completely safeguard the interests of Govt Govt's responsibility is insisted on in clause 1 & again in clause 4 As instalments were being adjusted some how hitherto, either by sale of portions of estate or by payments made otherwise — the estate being under Govt management till acts 1908 — The question of ascertaining the estate has not arisen Perhaps it is to circumvent this unpleasant course which has now probably to be faced the present petn is subd

Hup P

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

If correct information as to present circumstances is considered needed for the disposal of the present case the Dy Commrs may be asked to submit a full report in the matter.

Init
28/1

mdr 29/1/10
Genl Secy

Mnlr
3/1/10

7 There seems to be no sufficient reason to reconsider the arrangement made in Oct 1908. Any concession such as a remission of the interest can only be considered after the debtors ~~perform~~ fulfill their present obligations regularly for some years.

Dewan

HSB
3/2/10.
Secy
4.2.10

PS.

8 A further representation presented by Dyavabha Gowda in person on the 4th Feb is also put up herewith.

The petn also complains of the taluk authorities interfering with the sale of the

GPB—50,000—13-5-08

Serial No.

crop by insisting on previous notice &c. &c. It is difficult to say how far his present request are reasonable or necessary. Should be complied with so as to ensure the recovery of a substantial portion of the Govt loan without ruining the family by a forced sale of the estates.

CSB 7/2/10

Dewan 8.2.10

9 Place this Endorsement & the Application stating that this application should be made to Deputy Commr who is charged with the duty of giving effect to the orders contained in GO 7666-1 of 23 June 1908 what orders Govt are not disposed to modify. If orders are required on any point not covered by the said GO of 23 June 1908 the Deputy Commr will refer the same to Govt for further orders.

10 Copy of Endt to Pot to Deputy Commr for information & guidance

CSB 7 Feb 10

11 Issue Endt as

CSB 8/2/10

Dewan 8.2.10

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

File No. 6 of 1909

9

Serial No.

Draft submd.
hd
9/2
mh 9/2/10

Done
mh 11-2-10

file

6

Dyanappa Gouda
to H 4090 dt 15-2-10
Informs him that he should apply to the Dy Commr, who is charged with the duty of giving effect to the orders contained in Govt of the 23rd June 1908 - which Govt are not disposed to modify. If orders are required on points not covered by the above Govt order the Dy Commr will refer the case to Govt for further orders.

H 4091 dt 15-2-10
Copy of the above forwarded to the Dy Commr Hassan for information & guidance.

Note—Contn. sheet.

GPB—50 000—13-5-08

To

His Highness Krishnarajendra Wodayar Bahadur GCSI,
Maharaja of Mysore.

May it please your Highness.

That your Highness' humble memorialist Dyavappa Gowda, one of the very loyal subjects of your Highness, most humbly begs leave to approach your Highness with the following prayer on behalf of himself and other members of his family who are all residents of Udevar, Manjarabad Taluk, Hassan District.

1. That the ancestors of the memorialist were, from time immemorial, the residents of Udevar village, and were one of the few well recognized landed proprietors under your High-ness's Government in the very thinly populated Malnad country.

When coffee cultivation was first introduced into this country, the immediate ancestors of the memorialist were the pioneers in this cultivation in the Manjarabad Taluk, and brought under cultivation a large tract measuring 500 acres.

2. When the market for coffee was very favourable, Govern-ment was gracious enough to start Agricultural Banks in order to save the many big native planters from the grasping hand of the usurious bankers in the Malnad Districts. The family of the memorialist was one of those who took advantage of the benefit hypothecating their vast estate, then estimat-ed to be more than a lac and a half in the Government Agri-cultural Bank at Manjarabad.

3. That very soon after the formation of these Banks, there was a sudden fall in the price of coffee which had a

very damping effect on the planters and terribly effected the further development of coffee cultivation.

To add to this, the untimely rains which for several years continuously damaged the crop, completed the misery of the unfortunate coffee planters so much so that the debtors of the Bank who were jointly and severally liable to the Government for the loan, found it impossible to meet their own expenses, leaving out of consideration the payment of the interest and principal by instalments.

4. The Estate of the family of the memorialist who were then undivided was also in the same condition and went from bad to worse owing to family disputes and quarrels. Hence the Bank undertook to manage the Estate on their behalf. A few months after, the ~~then Deputy Commissioner~~ Bank was wound up and Mr. Dalvoy Devaraj Urs, the then Deputy Commissioner of Hassan District in his earnest anxiety to help the family was kind enough to take these Estates under Government management and --- appointed one Mr.Lake as Superintendent of their Estates, who worked for eight months with their co-operation and kept it in an efficient state. Afterwards, several Superin--tendents who succeeded him did not manage the Estate pro--perly. Consequently, the memorialist and his family sus--tained heavy damage and suffered innumerable difficulties. Further, they were not allowed to examine and check the accounts kept by those Superintendents.

5. That in the meantime family disputes of the memorialist came to an amicable settlement and their Estate was divided among four members of the family and they were given back their share of the Estate in the month of October 1908, for management, which was hitherto under the supervision of the Government. The whole income of that year from the Estate was reserved by Government for payment of its dues and land

How much was this? - 1908

revenue on the Estate for that year making the memorialist and his family to pay the land revenue on other wet and dry lands belonging to the family.

6. That the debtors of the Bank who were all jointly and severally liable before, were afterwards graciously permit-ted to be severally liable; but, the four divided members of the memorialist's family are now made jointly and several-ly liable for the loan that was due by the family of the memorialist. The portion of the Estate that has fallen to the share of every member of the memorialist's family after division comprises mostly waste lands with an average of 25 acres of land under cultivation to the share of each member. The income that each one may derive from this small portion under cultivation is quite inadequate to meet the regular up keep of the garden, land revenue payable by each sharer, and above all to meet even the interest that is payable on the loan. Since the whole Estate belonging to the family is primarily liable to the Government loan, it is impossible to raise fresh loans from outside. The memo-rialist and his ancestors from time out of mind have no other means of livelihood than cultivation; and if their present unfortunate condition is not present improved by gracious consideration from your Highness's generous support and sympathy towards the uplifting of the fallen ancient families of the Malnad ryots who are next to none in their loyalty and devotion to the royal throne, the memorialist begs to submit that there will be a total ruin and extinc-tion of the family.

7. That the memorialist, therefore, most humbly and respect-fully begs your Highness to be graciously pleased to remit the levying of interest on the principal, debiting to the

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(unexpected) same whatever is paid hereafter by the sharers of the family since the balance that may be left out of the income after defraying the expenses and land revenue will be too small to meet even the interest, payment of principal being hopeless.

8. That as instances of the Government not being able to realise even one-fourth of the amount lent in the case of one or two other debtors of the Bank, the memorialist most respectfully begs to submit that the Estate of Keshalli belonging to Rudra Gowda and Dyava Gowda and that of Sunda--kara belonging to one Sreekantaiya were both sold by public auction and resulted in heavy loss to the Government. That in addition, the Government has realised from the Estate of the Memorialist more than Rs.20,000/- till now, which sum has not been paid by any other debtor except by one Mr. Usman Saib of Belgodu, Manjarabad Taluk.

9. That the memorialist does further beg to state that unless the major portion of the Estate is gradually brought under cultivation, out of the income of the 25 acres yield--ing crop at present in each share, which at least takes ten years' time, it is not possible to pay any appreciable amout every year towards the principal. Hence the memorialist most humbly prays your Highness to be pleased to grant further concession to receive Rs.1,000/- only towards the principal every year from the members of the family together for ten years and thereafter Rs.2,000/- or more as the circumstances then permit till the whole sum is realised.

2

For which act of your Highness' graciousness the memorialist shall, as in duty bound , ever pray for your Highness' long life and prosperity.

Dated 8th Nov 1909

Your Highness' loyal subject

D 3088

5

Presented in person

4/2/10

To,

The Secretary

to the Government of Mysore,

General and Revenue Departments.

Sir,

In modification of para 9 of our memorial dated 8-11-1909 to His Highness the Maharaja, forwarded to you for disposal, we beg to submit as follows for the favourable consideration of the Government and for -- favour of very early orders:-

Out of the total area of 500 acres of Coffee Lands on the Security of which a loan of over Rs.70,000/- was graciously granted to the memorialists, the Government during the three years, during which the estate was under their management not being able to save anything out of the yield of the estate for the payment of Government dues, brought to sale without the knowledge of the memorialists the best portion of the estate covering over 120 acres for a paltry sum of Rs.11,000/- and allowed a larger portion of the remaining estate to lie waste for want of working expenses. At present in addition to 100 acres (or 25 acres for each [redacted]) under actual cultivation there lies a waste of 120 acres. It is the intention of the humble memorialists to rebuild their lost

fortune and repay the Government dues by an economical cultivation of the lands now lying waste. But a waste land of 250 acres cannot all atonce be brought under cultivation. A small beginning will have to be made as the working expenses have to be met from the income of 100 acres (or of 25 acres from each share) already under cultivation, after payment of instalments and Government assessment. The Coffee crop will not be remunerative for the first 10 years and it is only after the 10th year it begins to pay. In these circumstances the humble memorialists beg to submit that for the next 10 years to come they are unable to repay the Government loan at the prescribed rate of Rs.4,000/- a year and therefore respectfully beg to request that the amount of the instalment might be reduced to Rs.1,000/- a year or at the most to Rs.1,500/- a year for the first 10 years to come and raise the instalment to Rs.2,000/- or 3,000/- for the susbsequent period, and the balance of the loan might be recovered in full in the 20th year. Under all circumstances the memorialists assure Government that they will repay the entire loan (interest being remitted) within the prescribed period of 20 years as at the end of about that time the memorialists' estate will be attractive and the memorialists, will then, if necessary on the security thereof be in a position to raise a loan elsewhere to pay the Government the balance of its dues in a lump sum.

Another point which has to be brought to His Highness' notice require immediate orders. The local Revenue Authorities under the pretext of taking precautionary measures to guard Government interest put several obstructions in removing and selling the crops to the best market. They

require the crop to be sold under their supervision and control and ask the memorialists to render accounts at every step. This works as a hardship on the memorialists. If they are given a free hand in this the memorialists can manage the thing better and get better prices. For the working expenses of the current year they have borrowed money on the security of their crop or in exchange of so much of coffee to be given. The petty interferences of Government will put a stop to outsiders giving us such loans from the next year. Further the local officers - take to Government the whole of the gross proceeds towards the Government dues and leave the memorialists and their estate alone. The memorialists cannot afford to pay the whole of the gross proceeds for this single demand of Government; they have to pay land revenue on other wet and garden lands belonging to the family; they have to look for the upkeep of the area now under cultivation; they have besides to bring under cultivation the large area that was laid - waste during the period the estate was with Government. The memorialists humbly invite attention to the Amildar's notice of the 17-11-1909 and request the favour of a perusal. The procedure therein adopted has frightened the outsiders to advance money in anticipation of the harvest and it will give room to people to rob the memorialists of the crop to the disadvantage of the Government interest. The memorialists beg therefore that such petty obstructions and annoyances should not be allowed to be adopted by the local - Revenue Authorities. The memorialists should be given a free hand in the disposal of the crop and should be held liable only to the timely payment of the instalments. Should this concession be at any time abused or if the memorialists

make default in any one year in the payment of the instalment in full, the Government may adopt coercive measures for the immediate recovery of the entirek loan.

In conclusion The humble memorialists beg to submit;

1. that the interest on the entire loan may be remitted;

2. that the amount of the instalment to be paid may be limited to Rs.1,500/- for the first 10 years and to Rs.3,000/- for the subsequent years and the balance of the loan be recovered in the 20th year; and

3. that at present, pending the issue of orders on the above points, the memorialists may be favoured with an endorsement atence - withdrawing the restrictions imposed by the local Revenue Authorities, and allowing the memorialists a free-hand to harvest the crop and take the coffee to the best market and pay up the Government instalment of Rs.1,500-/- for the currest year in the month of April.

If the above concessions cannot be granted or at any rate if the Government should deem it advisible to wash their hands of the entire business atonce for a lump sum of Rs.25,000/- and write-off the balance altogether, the humble memorialists will, partly with the help of their well-wishers and partly by the disposal of other wet and garden lands, undertake to pay Government the said amount within a year's time. Pending the disposal of this alternative either the favour of an endorsement as referred to

in the preceeding para may for the present be granted, taking a suitable Mutchalika from the memorialists for the current year's instalment.

Finally the humble memorialists submit that the benign Government should protect the memorialists from ruin and give them a scope to rebuild their lost fortune and remain as heretofore as one of the most leading coffee planters in His Highness' Dominions.

For this act of His Highness' grace and bounty, the memorialists shall ever pray for the long life and prosperity of His Highness.

His Highness' loyal subjects,

ದ್ಯಾವಪ್ಪ ಉದೇವರ

Dyavappa Gowda and other members of the Udewar Family of Coffee planters, Saklespur.

29th January 1910.

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to

No. H-40690

General and Revenue Secretariat

( )

the 190

To O M Esq 15-2-1910

Date of issue 15-2-1910

Signed by W. M. Vanderbank

With reference to his petition Kom. H. 1912 & H. 3088 of 8-11-09 & 29-1-10 respectively requesting certain Concessions on behalf of himself & the other members of the Udevar family by way of Commutation for the payment with the interest thereon the loan of Rs. 1,00,000 advanced to them by the late Sahukar Rajat Bank may be permitted that the principal itself collected in easy instalments, that the liability of the Sahukar the Karnam members of the Udevar

over.

SUBJECT.

~~may be convicted of individual liability~~
~~& jointly released & also under~~

complaining that the
Jk authorities are not
persuing with the sale
of the crop by inviting
on previous notice all
~~Mr Dyandappa & the~~
~~other members of~~
~~the Idaian family~~
the petitioners
~~as~~ informed that
his application in
~~regard to these matters~~
should be made to
the Dy Comrs who
is charged with the
duty of giving effect
to the orders contained
in G O No 7666 18
23rd June 1908 which
orders Govt are not
disposed to modify.
If orders are required
on any point not
covered by the said
G O of 23rd June 1908

List of enclosures,

Copied by

Examined by

GPB—10,000—28-5-09

C.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

The Dy Commr will
report the same to
Govt for further orders.

B. O

11.2.10

For Secy

No 3e 4094

15-2-1910

Copy of the above to
the Dy Commr Hassan
for information
guidance

9.12.10

Copy sent by
D/Krishnamurthy
12-2-10